

JUDGE'S COPY

copy (41)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHARLES ISELEY,

Plaintiff

v.

W. CONWAY BUSHEY, et al.,

Defendants

:
:
:
:
:
No. 1:00-CV-00577
(Judge Kane)

**FILED
HARRISBURG**

OCT 31 2000

MARY E. D'ANDREA, CLERK
Per _____
[Signature]
DEPUTY CLERK

**DEFENDANTS' BRIEF IN SUPPORT OF
MOTION FOR LEAVE TO DEPOSE PLAINTIFF**

This is a civil action for damages brought pursuant to 42 U.S.C. §1983. Plaintiff is incarcerated at the State Correctional Institution at Coal Township ("SCI-Coal Township").¹ Defendants are prison official employed at all times relevant hereto by the Pennsylvania Department of Corrections. Pursuant to Rule 30(a) of the Federal Rules of Civil Procedure, a person confined to prison may be deposed only by leave of court. Defendant has moved this Court for permission to depose the plaintiff and desires to inquire into matters which are relevant to the subject matter involved in the pending action. The deposition of the plaintiff will assist the defense in disposing of this case either by pre-trial motion or by trial. Therefore, defendant's motion for leave to depose plaintiff should be granted.

¹ Currently, plaintiff is temporarily housed at SCI-Graterford regarding a court proceeding. Upon completion of that proceeding, Iseley will be returned to SCI-Coal Township.

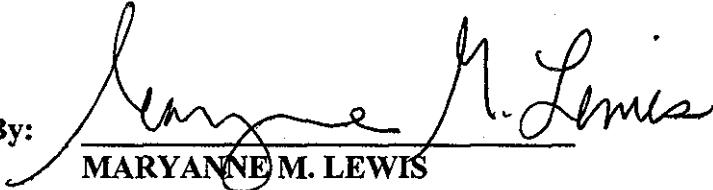
6. The exact date and time for the deposition will be arranged following the granting of leave by the Court.

WHEREFORE, defendant's motion to leave to depose plaintiff should be granted.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


MARYANNE M. LEWIS
Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief Litigation Section

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15th Floor, Strawberry Sq.
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DATE: October 31, 2000

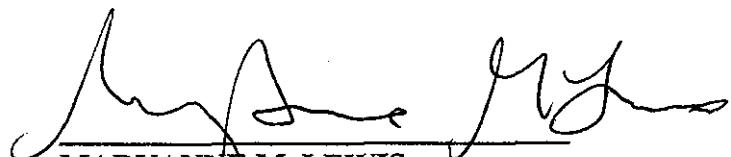
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CHARLES ISELEY, :
: Plaintiff :
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: : (Judge Kane)
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: Defendants :
:

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing Defendants' Brief in Support of Motion for Leave to Depose Plaintiff, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Charles Iseley, #AM-9320
SCI-Graterford
Box 244
Graterford, PA 19426-0244



MARYANNE M. LEWIS
DEPUTY ATTORNEY GENERAL

DATE: October 31, 2000